

OLL Chrono

OLL 84-1376
5 April 1984

MEMORANDUM FOR: General Counsel

FROM:

[redacted]

STAT

Chief, Legislation Division
Office of Legislative Liaison

SUBJECT:

Response of SSCI re Reporting of Intelligence
Failures

Stan:

[redacted] Liaison Division, OLL just brought the attached to my office and indicated that the SSCI has questioned us as to whether or not the Agency has formal procedures for reporting intelligence failures. I understand that we have not had formal procedures before now but, given the inquiries by the SSCI, such procedures have now been drafted and approved by the DDCI and C/NIC. [redacted] requested that I get the attached procedures over to you for your coordination. As indicated in the cover note to the attachment, a response is needed by noon tomorrow (6 April).

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Thank you for your help in this matter.

[redacted]

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Attachment:
As stated

Distribution:

Original - Addressee
1 - OLL Chrono
1 - LEG File: Congressional Oversight
1 - [redacted] Signer
1 - D/OLL
1 - DD/OLL
1 - [redacted] LD/OLL

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LEG/OLL: [redacted] (5 April 1984)

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Pertinent Legislation

PUBLIC LAW 96-450—OCT. 14, 1980

94 STAT. 1975

Public Law 96-450
96th Congress

An Act

To authorize appropriations for fiscal year 1981 for the intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, and for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Oct. 14, 1980
[S. 2597]

Be it enacted by the Senate and House of the Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1981".

Intelligence
Authorization
Act for Fiscal
Year 1981.

**"TITLE V—ACCOUNTABILITY FOR INTELLIGENCE
ACTIVITIES**

"CONGRESSIONAL OVERSIGHT

"SEC. 501. (a) To the extent consistent with all applicable authorities and duties, including those conferred by the Constitution upon the executive and legislative branches of the Government, and to the extent consistent with due regard for the protection from unauthorized disclosure of classified information and information relating to intelligence sources and methods, the Director of Central Intelligence and the heads of all departments, agencies, and other entities of the United States involved in intelligence activities shall—

50 USC 413.

"(1) keep the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives (hereinafter in this section referred to as the 'intelligence committees') fully and currently informed of all intelligence activities which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States, including any significant anticipated intelligence activity, except that (A) the foregoing provision shall not require approval of the intelligence committees as a condition precedent to the initiation of any such anticipated intelligence activity, and (B) if the President determines it is essential to limit prior notice to meet extraordinary circumstances affecting vital interests of the United States, such notice shall be limited to the chairman and ranking minority members of the intelligence committees, the Speaker and minority leader of the House of Representatives, and the majority and minority leaders of the Senate;

"(2) furnish any information or material concerning intelligence activities which is in the possession, custody, or control of any department, agency, or entity of the United States and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities; and

"(3) report in a timely fashion to the intelligence committees any illegal intelligence activity or significant intelligence failure and any corrective action that has been taken or is planned to be taken in connection with such illegal activity or failure.

"(b) The President shall fully inform the intelligence committees in a timely fashion of intelligence operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, for which prior notice was not given under subsection (a) and shall provide a statement of the reasons for not giving prior notice.

"(c) The President and the intelligence committees shall each establish such procedures as may be necessary to carry out the provisions of subsections (a) and (b).

Presidential
information to
congressional
committees.

Procedures.

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5 April 1984

NOTE TO: D/OLL (via
Senior Review Panel
Hal Ford, NIO/AL
C/IPC
Executive Secretary, NFIB

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VIA: ADDI

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The SSCI has come back to us on the procedures for reporting "intelligence failures." The ADDI and I have come up with the attached response, which has been approved by the DDCI and C/NIC. I will need your coordination or proposed changes by Noon, 6 April. I will then coordinate the answer with DIA and INR. Once they concur, we will respond to the SSCI. Implementing instructions will then need to be generated in the NIC and the NFIB Executive Secretariat.

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Helene L. Boatner
C/PES/DI

NOTE TO: D/OLL

Please coordinate with OGC.

Helene L. Boatner
C/PES/DI

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